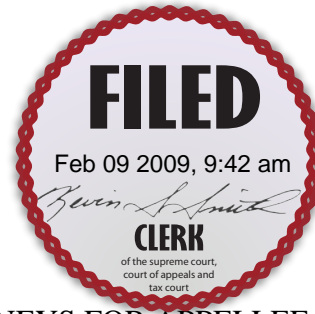


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

TIMOTHY J. BURNS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

HENRY A. FLORES
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

WILLIAM DANIELS,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A05-0807-CR-422
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda Brown, Judge
Cause No. 49F10-0804-CM-95130

February 9, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

William Daniels challenges the sufficiency of the evidence supporting his conviction for class A misdemeanor failure to stop after an accident resulting in injury. We affirm.

The facts most favorable to the trial court's judgment indicate that on April 26, 2008, at approximately 1:00 a.m., Daniels struck Mark Chowder's vehicle while driving. Daniels exited his vehicle and approached Chowder's vehicle. Daniels asked if all the passengers in Chowder's vehicle were "okay." Tr. at 7-8. Daniels was staggering, slurring his words, and bleeding from his forehead. Chowder twice asked Daniels to show him his driver's license. Daniels told Chowder he needed to return to his vehicle and then drove away without showing Chowder any form of identification. The State charged Daniels with class A misdemeanor failure to stop after an accident resulting in injury. On June 23, 2008, the trial court found Daniels guilty as charged.

Daniels challenges the sufficiency of the evidence supporting his conviction. Our standard of review is well settled:

[When] reviewing the sufficiency of the evidence needed to support a criminal conviction[,] . . . we neither reweigh evidence nor judge witness credibility. We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence. We will affirm a conviction if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt.

Henley v. State, 881 N.E.2d 639, 652 (Ind. 2008) (citations omitted).

A driver involved in an accident resulting in injury or death must immediately stop as near to the accident as possible and remain at the scene until the driver "[g]ives the driver's name and address and the registration number of the vehicle the

driver was driving” and “[u]pon request, exhibits the driver’s license of the driver to the . . . driver or occupant of . . . each vehicle involved in the accident.” Ind. Code § 9-26-1-1. Daniels admits that he did not comply with the statute. However, Daniels contends that he did not intentionally fail to comply with the statute because he was concerned about his head injury and was mistaken as to his duty.¹ Daniels’s argument is simply an invitation to reweigh the evidence in his favor. This we may not do. Accordingly, we affirm Daniels’s conviction.

Affirmed.

ROBB, J., and BROWN, J., concur.

¹ Daniels alleges that he was under a mistake of fact when he left the scene. Daniels raises this affirmative defense for the first time on appeal; therefore, it is waived. *Lafary v. Lafary*, 476 N.E.2d 155, 159 (Ind. Ct. App. 1985).